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 8 Arizona, Department of Education

9
 10 **IN THE UNITED STATES DISTRICT COURT**
 11
 12 **FOR THE DISTRICT OF ARIZONA**

13 Tracy Rexroat, an Arizona Resident,

14 Plaintiff,

15 vs.

16 Arizona Department of Education; and,
 17 State of Arizona, State Board of Education,

18 Defendants.

19 Case No: CV11-01028-PGR

20
**DEFENDANT'S OPPOSITION TO
 21 EX PARTE MOTION TO
 22 WITHDRAW AS COUNSEL FOR
 23 THE PLAINTIFF**

24
 25 Defendant State of Arizona, Department of Education (“ADE”), through
 undersigned counsel, opposes the *Ex Parte Motion to Withdraw as Counsel* (“Motion”)
 26 filed by Plaintiff’s counsel, Michael Zoldan, on May 4, 2012. Doc. 68. The Motion
 requests a Court Order permitting Mr. Zoldan and Hall & Chelle, L.L.C. to withdraw as
 27 counsel for Plaintiff, Tracy Rexroat. Three attorneys have entered an appearance for the
 Plaintiff: Cameron Hall (Doc. 1), Michael Zoldan (Doc. 30), and Zachary Price (Doc.
 28 57). Cameron Hall and Zachary Price have not requested the Court’s permission to
 withdraw as counsel of record from this action.

29 This Court has broad discretion when considering a Motion to Withdraw. *See Le*
30 Grand v. Stewart, 133 F.3d 1253, 1269 (9th Cir. 1998); *United States v. Meeks*, 987 F.2d
31 575 (9th Cir. 1993). Four factors guide the Court’s analysis: (1) the reason(s)
32 permission to withdraw is being sought; (2) the prejudice to other litigants; (3) the harm
33 withdrawal will cause to the administration of justice; and (4) the degree of delay

1 withdrawal may cause. *Huntington Learning Centers Inc. v. The Education Gateway,*
 2 *Inc.*, No. CV09-3200 PSG (VBK), 2009 WL2337863, at *1, (C.D. Cal. July 29, 2009)
 3 (citations omitted). The Court should deny the Motion for several reasons.

4 First, Mr. Zoldan failed to provide a reason for his request to withdraw, and he
 5 failed to provide Plaintiff's written consent, both of which are required under LRCiv.
 6 83.3(b). The Motion should be denied for that reason, alone, but additional grounds
 7 exist.

8 Second, Mr. Zoldan filed a Motion to Withdraw on the heels of filing Plaintiff's
 9 Motion to Compel Discovery and Motion for Sanctions against ADE and its counsel.
 10 (Doc. 60). Those motions and ADE's response rest in large part on direct
 11 communications between the parties' counsel over the span of several months.
 12 Throughout the litigation, ADE has expended considerable resources responding to
 13 various demands made by Rexroat's attorneys for electronically-stored information.
 14 Justice requires that Rexroat's counsel be required to stand and answer for their
 15 statements and conduct.

16 Third, the deadline to submit dispositive motions is two weeks away, on May 21,
 17 2012. The Motion gives no indication of whether Plaintiff will continue to be
 18 represented by Cameron Hall and Zachary Price, or whether she will be unrepresented,
 19 or whether she will be retaining other counsel and seeking a continuance. The Court
 20 should deny the Motion because it is likely to unnecessarily delay resolution of this
 21 action, as the case moves into its final stages of summary judgment or trial.

22 RESPECTFULLY SUBMITTED this 7th day of May, 2012.

23 Thomas C. Horne
 24 Attorney General

25 s/Rachel M. Bacalzo
 26 Rachel M. Bacalzo
 27 Assistant Attorney General
 Attorneys for Defendant State of
 Arizona, Department of Education

I certify that I electronically
transmitted the attached document
to the Clerk's Office using the
CM/ECF System for filing and
transmittal of a Notice of Electronic
Filing to the following, if CM/ECF
registrants, and mailed a copy of
same to any non-registrants, this 7th
day of May, 2012, to:

Cameron Hall
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